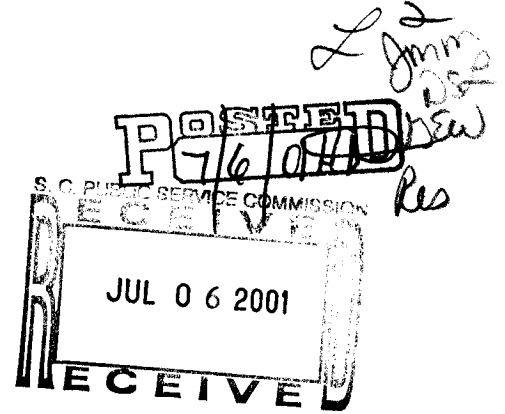


**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

Docket No. 2001-209-C



In Re:

Application of

BellSouth Telecommunications, Inc.

To Provide In-Region InterLATA

Services Pursuant to Section 271

of the Telecommunications Act of 1996

**PETITION TO INTERVENE OUT OF TIME
OF KMC TELECOM III, INC.**

KMC Telecom III, Inc. ("KMC") hereby petitions the Public Service Commission of South Carolina ("Commission") pursuant to S.C. Code Regs. 103-836(A)(3) and other applicable rules and regulations of the Commission for permission to intervene in the above-captioned proceeding. In support of this Petition, KMC would show the following:

1. KMC is a Delaware corporation whose principal offices are located at 1545 Route 206, Suite 300, Bedminster, New Jersey. KMC has been granted authority to provide competitive local exchange and long distance telecommunications services in South Carolina.

2. KMC's authorized representatives in this proceeding are:

Frank R. Ellerbe, III
Bonnie D. Shealy
Robinson, McFadden & Moore, P.C.
1901 Main Street, Suite 1500
Post Office Box 944
Columbia, South Carolina 29202
Telephone: 803-779-8900
Facsimile: 803-252-0724

Andrew M. Klein
Kelley, Drye & Warren, LLP
1200 19th Street, N.W.
Washington, D.C. 20036
Telephone: 202-887-1257
Facsimile: 202-955-9792

3. In this proceeding the Commission will review BellSouth's application to determine

whether it meets the checklist requirements of Section 271 of the Telecommunications Act of 1996; make a determination as to whether BellSouth's entry into the interLATA long distance market is in the public interest; consider approving BellSouth's modified SGAT; and determine whether to cap rates on the local interconnection established or UNE placed in service prior to the rate true-up at the interim rates.

4. KMC respectfully requests to be permitted to intervene out of time. In support of this request, KMC would show the following:

- a. KMC only recently became aware of this proceeding and has acted expeditiously upon learning of it;
- b. allowing KMC to intervene will not prejudice any party as KMC is aware of the filing deadline for testimony and will meet that deadline;
- c. allowing KMC to intervene will serve the public interest as it is an active competitor to BellSouth in South Carolina and will therefore have valuable information to bring to the Commission relating to the issues in this case.

5. KMC has an interest in the above-captioned proceeding inasmuch as the company purchases UNEs from BellSouth, and provides local exchange and interexchange services in South Carolina. KMC will be affected by any Commission decision concerning BellSouth's Section 271 application; therefore, the company has a substantial interest in this docket.

6. KMC's intervention is necessary to protect its interests. KMC hereby requests permission to intervene in the above-captioned proceeding as a formal party of record.

7. KMC's intervention will aid the Commission by assisting in the development of a full and fair record to address the issues raised in this proceeding. KMC's position in this docket is that

there is not sufficient local competition in South Carolina and that BellSouth has not met the checklist requirements of Section 271 of the Telecommunications Act of 1996.

8. KMC is informed and believes that granting its request to be made a party of record in the above-captioned proceeding is in the public interest, is consistent with the policies of the Commission in encouraging maximum public participation in issues before it, and should be allowed so that a full and complete record addressing the views and concerns of KMC can be developed.

WHEREFORE, KMC prays for the following relief:

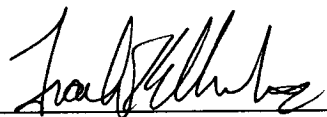
A. That this Petition to Intervene be granted by the Commission and that KMC be made a formal party of record to the proceeding.

B. That KMC be allowed to participate fully in this proceeding and to take such positions as it deems advisable.

C. That such other and further relief be granted as is just and proper.

KELLY, DRYE & WARREN, LLP
Andrew M. Klein
1200 19th Street, S.W.
Washington, D.C. 20036
(202) 887-1257

ROBINSON, McFADDEN & MOORE, P.C.

By 
Frank R. Ellerbe, III
Bonnie D. Shealy
Post Office Box 944
Columbia, SC 29202
(803) 779-8900

Attorneys for KMC Communications Corp.

Columbia, South Carolina
July 16, 2001.

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

Docket No. 2001-209-C

In Re:)
)
Application of)
BellSouth Telecommunications, Inc.)
To Provide In-Region InterLATA)
Services Pursuant to Section 271)
of the Telecommunications Act of 1996)
_____)

CERTIFICATE OF SERVICE

This is to certify that I, Marie Cobb, a legal assistant with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below the **Petition to Intervene Out of Time of KMC Telecom III, Inc.** in the foregoing matter by placing a copy of same in the United States Mail, postage prepaid, in an envelope addressed as follows:

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General Counsel
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Columbia, South Carolina 29202

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(Assoc. of Comm. Enterprises)

Dated at Columbia, South Carolina this 6th day of July, 2001.


Marie Cobb